

EXHIBIT 5

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re:

PG&E CORPORATION

- and -

PACIFIC GAS AND ELECTRIC
COMPANY,

Debtors.

Bankruptcy Case
No. 19-30088 (DM)

Chapter 11
(Lead Case)
(Jointly Administered)

**DECLARATION OF NOREEN EVANS
REGARDING WILLIAM B. ABRAMS
MOTION TO DESIGNATE
IMPROPERLY SOLICITED VOTES
PURSUANT TO 11 U.S.C. §1125(B) AND
1126(E) AND BANKRUPTCY RULE 2019**

- ☐ Affects PG&E Corporation
☐ Affects Pacific Gas and Electric Company
☒ Affects both Debtors

** All papers shall be filed in the Lead Case,
No. 19-30088 (DM).*

Date: May 12, 2020
Time: 10:00 a.m. (Pacific Time)
Place: United States Bankruptcy Court
Courtroom 17, 16th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

Re: Docket No. 6799, 6964, 6963

DECLARATION OF NOREEN EVANS

Noreen Evans declares the following pursuant to 28 U.S.C. § 1746:

1. I am an attorney at law, duly admitted to practice before all of the courts of the State of California, the U.S. District Courts for the Northern District and Eastern District of California, the U.S. Tax Court, and the United States Supreme Court. I am Of Counsel with Watts Guerra LLP, representing thousands of survivors of the 2017 North Bay fires. The following matters are of my own personal knowledge and, if called to testify as a witness, I can testify competently thereto.

2. I have worked with WATTS GUERRA to help many individuals victimized by the October 2017 North Bay fires, who timely filed Notices of Claim by this Court's amended Bar Date of December 31, 2019.

1 3. From 2004 to 2010, I served in the California State Assembly, representing
2 Sonoma, Solano, and Napa Counties. In 2009, I was the Chair of the Joint Legislative Budget
3 Committee, charged with balancing the State's budget following the 2009 financial crisis, at a
4 time when California lost more than 1/3 of its anticipated revenues.

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6 4. From 2010 to 2014, I served in the California State Senate, representing Sonoma,
7 Napa, Solano, Marin, Mendocino, Lake, and Humboldt Counties. Among other assignments, I
8 chaired the Committee on Judiciary, the Committee on Banking and Finance, and the Select
9 Committee on California's Foreclosure Crisis.

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11 5. Based on my 10 years in the State Legislature, I am thoroughly familiar with the
12 rules and operations of both the Assembly and Senate, both formal and informal, and with the
13 manner in which legislation becomes law.

14 6. On April 4, 2020, Attorneys Francis Scarpulla and Bonnie Kane stated during an
15 internet streamed debate that claimants need to consider the fact that there are viable alternatives
16 to the current RSA including the option of the Debtor's business operations to become a
17 "Consumer Owned Utility" or "COU." See YouTube Live session at
18 <https://www.firesurvivorsvote.com/first-forum>; Francis Scarpulla at minute 44:25; Bonnie Kane
19 at minute 50:00.

20 7. To create a COU would require a forceable sale of the Debtors' assets via eminent
21 domain along with legislation passed by both the California State Assembly and Senate to be
22 signed by the Governor. It would also require that the proponents of such a plan identify and
23 secure the billions of dollars needed to create such a COU. It has been estimated that it would
24 require close to \$50 billion to convert the Debtor from a IOU to a COU. See
25 [https://www.wsj.com/articles/california-mayors-join-campaign-to-make-pg-e-a-cooperative-](https://www.wsj.com/articles/california-mayors-join-campaign-to-make-pg-e-a-cooperative-11572955201)
26 [11572955201](https://www.wsj.com/articles/california-mayors-join-campaign-to-make-pg-e-a-cooperative-11572955201)

1 8. As a former legislator and as the former Chair of the Joint Legislative Committee
2 on the Budget during the last financial crisis in 2009, it is my opinion that the State of California,
3 which is currently facing a historic budget shortfall of \$54 billion or 37% of the total 2019-2020
4 budget, due to the impacts of the ongoing coronavirus pandemic, does not and will not be able to
5 provide the funding necessary to support a COU. See

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7 [https://www.latimes.com/california/story/2020-05-07/coronavirus-california-worst-budget-](https://www.latimes.com/california/story/2020-05-07/coronavirus-california-worst-budget-deficit-state-history)
8 [deficit-state-history](https://www.latimes.com/california/story/2020-05-07/coronavirus-california-worst-budget-deficit-state-history)

9 9. Furthermore, while legislation to create such a COU has been introduced in the
10 State Senate by Senator Scott Weiner, it has not found the necessary level of support to move
11 forward. Critical in this effort would be the support of Governor Gavin Newsom. Such support is
12 neither likely nor possible given the Governor's very public support for the current RSA. See

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14 [https://www.nytimes.com/2020/03/20/business/energy-environment/pge-deal-gavin-newsom-](https://www.nytimes.com/2020/03/20/business/energy-environment/pge-deal-gavin-newsom-california.html)
15 [california.html](https://www.nytimes.com/2020/03/20/business/energy-environment/pge-deal-gavin-newsom-california.html)

16 10. Furthermore, Sen. Weiner himself has said that he does not expect his bill to move
17 forward. The San Francisco Chronicle wrote on March 30, 2020, Sen. Weiner told the Chronicle
18 "that his bill, SB 917, probably will not move forward this year largely because of a recent deal
19 that resolves a months-long dispute between PG&E and Gov. Gavin Newsom." See

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21 [https://www.sfchronicle.com/business/article/Scott-Wiener-s-PG-E-takeover-bill-likely-](https://www.sfchronicle.com/business/article/Scott-Wiener-s-PG-E-takeover-bill-likely-15167219.php)
22 [15167219.php](https://www.sfchronicle.com/business/article/Scott-Wiener-s-PG-E-takeover-bill-likely-15167219.php)

23 11. Claimant Will Abrams and others have suggested that AB 1054, the law that
24 created the \$21.5 billion Wildfire Mitigation Fund, can simply be amended to extend the date by
25 which PG&E must exit bankruptcy, thereby allowing the parties to have additional time to resolve
26 these alleged outstanding issues.
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1 12. I have reviewed all bills introduced through May 7, 2020 and have not found the
2 introduction of any bill that would simply amend AB 1054's June 30, 2020 mandated deadline for
3 the Debtor's bankruptcy exit.

4 13. Furthermore, according to the California's legislature's rule (J.R. 61(b)(4), J.R.
5 54(a)), the final date for members of the legislature to introduce new bills for consideration
6 during this legislative session was February 21, 2020. Therefore, the date for any such
7 amendment to be introduced in the current session has passed.

8 14. Under certain conditions, the Legislature can hear new bills under a process called
9 "gut & amend," where a previously introduced bill is gutted, all language is removed and new
10 language is added in after the deadline for introduction. As of May 7, I have seen no evidence the
11 Legislature will entertain an extension of the June 30, 2020 AB 1054 mandated deadline.

12 I declare under penalty of perjury that the facts set forth in this declaration are true and
13 correct.

14 Executed on May 7, 2020.

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18 /s/ Noreen Evans
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